

A LIMITED LIABILITY PARTNERSHIP  
WWW.MIJS.COM

The undersigned and this firm represent Traton, LLC, the Applicant (hereinafter referred to as "Applicant"), and the Property Owners listed in the Application for Rezoning (hereinafter collectively referred to as "Owners" or "Property Owners"), in their request for annexation and rezoning of approximately 6.7 acres of property located on the northeasterly side of Cobb Parkway North, at the terminus of Hamilton Grove Boulevard, being more particularly known as 1468 and 1540 Cobb Parkway North and 1497 Hamilton Grove Boulevard, Land Lot 866, 16<sup>th</sup> District, 2<sup>nd</sup> Section, City of Marietta, Cobb County, Georgia, (hereinafter the "Property" or "Subject Property"). After conferences and communications with Planning and Zoning Staff and various City Staff; ongoing meetings and discussions with Hamilton Grove Homeowner Association Board representatives; as well as area residents and representatives of nearby

## MOORE INGRAM JOHNSON & STEELE

Ms. Shelby Little, AICP  
Zoning Manager  
Department of Planning and Zoning  
City of Marietta  
Page 2 of 4  
April 30, 2020

neighborhoods; reviewing the City's Rezoning Application Analysis; and reviewing the use of the Subject Property and the uses of surrounding properties, we have been authorized by the Applicant to submit this letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. The proposed stipulations are as follows:

- (1) Applicant seeks rezoning of the Subject Property from the existing zoning categories of Mixed Use ("MXD") (City of Marietta) and General Commercial ("GC") (Cobb County) to the proposed zoning category of Mixed Use ("MXD"), with reference to the revised Zoning Plan prepared for Applicant by Gaskins Surveying Company, Inc., dated and last revised April 30, 2020, and submitted contemporaneously with this stipulation letter. A reduced copy of the revised Zoning Plan is attached for ease of reference as Exhibit "A" and incorporated herein by reference.
- (2) The Subject Property consists of 6.79 acres, more or less, of total site area and shall be developed for a residential community, in the townhome style, containing a maximum of forty-five (45) residences, as shown on the referenced, revised Rezoning Plan.
- (3) The proposed townhomes shall be Traditional in style and architecture and shall have exterior facades consisting of brick, stone, stacked stone, cedar shake shingles, board and batten, cementitious siding, and combinations thereof, with complementary accents, in compliance with the City of Marietta's "four-sided architecture" requirement.
- (4) The proposed townhomes shall have a minimum of 1,800 square feet of heated and cooled area.
- (5) Applicant agrees to the recording and enforcement of a Declaration of Covenants, Easements, and Restrictions which shall contain covenants, rules, and regulations applicable to the proposed townhome community.
- (6) Additionally, and in conjunction with the Declaration of Covenants, Easements, and Restrictions, Applicant agrees to the creation of a mandatory homeowners association which shall be responsible for the upkeep and maintenance of the entrance area, signage, all common areas, open space, landscaped areas, general landscaped areas, mail kiosk, private streets, fencing, open space amenities, and the like contained within the community.

## MOORE INGRAM JOHNSON & STEELE

Ms. Shelby Little, AICP  
Zoning Manager  
Department of Planning and Zoning  
City of Marietta  
Page 3 of 4  
April 30, 2020

- (7) No more than five (5) percent of the residences shall be leased at any one time, which limitation shall be included within the covenants and enforced by the mandatory homeowners association, consistent with City Ordinances.
- (8) All setbacks, landscape, and buffer areas may be penetrated for purposes of fencing, access, utilities, and stormwater management; including, but not limited to, drainage and detention facilities and any and all slopes or other required engineering features of the foregoing. Any disturbed area shall be restored with comparable plantings as allowed by the City of Marietta or any utility provider.
- (9) There shall be no construction vehicles or construction access through Hamilton Grove Subdivision. All construction access shall be limited to Cobb Parkway and the Property's frontage on Hamilton Grove Boulevard.
- (10) All construction and employee vehicles and equipment will be parked, and otherwise located on, the Subject Property during development of the proposed community and construction of residences.
- (11) Applicant requests the following variances, which shall be deemed approved by the City of Marietta upon approval of the requested rezoning, as referenced and submitted, together with the stipulations set forth herein:
  - (a) Variance to waive the requirement for a cul-de-sac on streets designed with a dead-end and allow for a "hammerhead" configuration; and
  - (b) Variance to reduce the required minimum lot size to the size of the building footprint for townhomes.

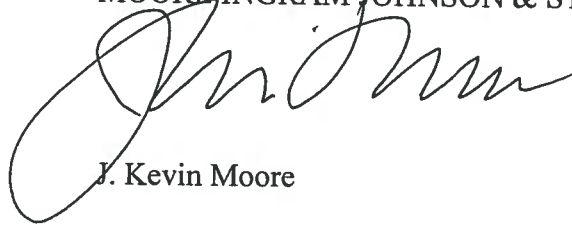
We believe the requested zoning, together with the revised Zoning Plan and the stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration uses of properties in the surrounding area. The proposed residential community shall be a quality development, shall be compatible with and complementary to the Hamilton Grove Subdivision and other surrounding neighborhoods, and shall be an enhancement to the Subject Property and the community as a whole. Thank you for your consideration in this request.

**MOORE INGRAM JOHNSON & STEELE**

Ms. Shelby Little, AICP  
Zoning Manager  
Department of Planning and Zoning  
City of Marietta  
Page 4 of 4  
May 1, 2020

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP

A handwritten signature in black ink, appearing to read 'J. Kevin Moore', is written over the printed name.

J. Kevin Moore

JKM:cc

Attachments

c: Russell J. Roth, AICP  
Development Director  
City of Marietta  
(With Copies of Attachments)

Hamilton Grove Subdivision  
(With Copies of Attachments)

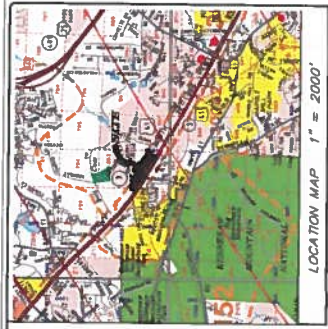
Traton, LLC  
(With Copies of Attachments)



REVISIONS	DATE	BY	DESCRIPTION

PROJECT ID	1113
FIELD BOOK	---
DRAWN BY	---
CHECKED BY	---
DATE	---
SCALE	1" = 40'
DATE	4/30/20
SHEET NUMBER	10

NOT ISSUED FOR CONSTRUCTION



- ZONING NOTES:**
1. EXISTING ZONING: M2D (CITY OF MARIETTA) - (1606600040)
  2. MARIETTA ZONING: M2D (CITY OF MARIETTA) - (1606600040)
  3. COB COUNTY ZONING: M2D (CITY OF MARIETTA) - (1606600040)
  4. APPROX. CHURCH FLOODPLAIN = 668 AC +/-
  5. APPROX. WETLANDS = 665 AC
  6. DENSITY = 45 UNITS/AC - 0.68 AC - 0.65 AC = 84 UNITS/AC
  7. PROPOSED SETBACKS:
    - PARKER SIDE SETBACK (150' HIGHWAY 41) - 25'
    - PARKER REAR SETBACK (HAMILTON GROVE S/D) - 25'
  8. REQUIRED OPEN SPACE = 1.28 AC
  9. REQUIRED PARKING = 82 SPACES/UNIT = 8 SPACES
  10. REQUIRED PARKING = 82 SPACES/UNIT = 8 SPACES
  11. MINIMUM LOT LENGTH = 20' FROM B.O.C. OF SIDEWALK
  12. MINIMUM LOT WIDTH = 20' FROM B.O.C. OF SIDEWALK

EXHIBIT "A"